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July 23, 1996

*BY HAND DELIVERY*

Mr. William F. Caton  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Room 222  
Washington, D.C. 20554

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JUL 23 1996

FEDERAL COMMUNICATIONS  
COMMISSION  
OFFICE OF SECRETARY

**Re: *Ex Parte Statement* - ET Docket No. 93-62  
Guidelines for Evaluating the Environmental  
Effects of Radiofrequency Radiation**

Dear Mr. Caton:

Enclosed for filing please find two copies of a letter delivered today to Richard M. Smith, Chief, Office of Engineering and Technology on behalf of GE American Communications, Inc. in the above-referenced docket.

Please contact the undersigned should you have any questions with regard to this filing.

Sincerely,

*Peter A. Rohrbach / SFM*

Peter A. Rohrbach

Enclosures

cc: Richard M. Smith  
Chairman Reed E. Hundt  
Commissioner James H. Quello  
Commissioner Susan Ness  
Commissioner Rachelle B. Chong

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Mr. Richard M. Smith  
Chief, Office of Engineering and Technology  
Federal Communications Commission  
1919 M Street, N.W.  
Room 480  
Washington, D.C. 20554

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JUL 23 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: *Ex Parte Statement* - ET Docket No. 93-62  
*Guidelines for Evaluating the Environmental Effects of  
Radiofrequency Radiation*

Dear Mr. Smith:

On behalf of GE American Communications, Inc. ("GE Americom"), we are writing to support the Commission's proposal in the above-referenced docket to adopt ANSI/IEEE C95.1-1992 as the new standard for radiofrequency ("RF") radiation exposure from FCC regulated facilities. 1/ The 1992 ANSI/IEEE standard is the most up-to-date and scientifically sound standard for RF exposure available at this time and its adoption will serve the public interest. In contrast, adoption of an unsupported and overly restrictive standard would unnecessarily prevent the development of valuable satellite services.

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1/ See *Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, Notice of Proposed Rulemaking, 8 FCC Rcd 2849 (1993) (the "Notice").

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The current FCC standard for RF exposure, ANSI C95.1-1982, was issued by the American National Standards Institute ("ANSI") in 1982. 2/ The Commission initiated this proceeding in 1993 for the purpose of amending and updating the guidelines and methods used for evaluating the environmental effects of RF radiation from FCC regulated facilities. At that time, the Commission proposed to adopt ANSI/IEEE C95.1-1992, a new standard adopted by ANSI in 1992 in association with the Institute of Electrical and Electronic Engineers ("IEEE"). The Commission stated that the 1992 ANSI/IEEE standard "will ensure that FCC-regulated facilities comply with the latest safety standards for RF exposure." 3/

GE Americom submits that the Commission's initial conclusion remains true today. As explained in the March 14, 1996 *ex parte* letter from Dr. Eleanor R. Adair (who served as Co-Chairman of the IEEE subcommittee that developed ANSI/IEEE C95.1-1992) to Chairman Hundt, the 1992 ANSI/IEEE standard continues to represent the best available scientific research on RF exposure and is widely accepted in academia, industry and government. 4/ GE Americom's RF safety program is based on the 1992 ANSI/IEEE standard and the standard has been adopted by numerous other companies and government agencies.

The only other standard discussed in the *Notice*, the 1986 guidelines issued by the National Council on Radiation Protection and Measurement ("NCRP"), is inferior in a number of respects. As explained in Dr. Adair's *ex parte* letter, the NCRP report does not reflect the most current scientific literature and was not the product of a broad-based consensus. Furthermore, the NCRP report has not been revised since 1986. A newly formed NCRP committee presently is working on updating the 1986 report and, according to Dr. Adair, the exposure criteria are expected to closely reflect the 1992 ANSI/IEEE standard.

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2/ See 47 C.F.R. § 1.1307(b). Equipment and facilities for personal communications services ("PCS") are required to comply with the 1992 ANSI/IEEE standard. 47 C.F.R. § 24.52(a).

3/ *Notice*, 8 FCC Rcd at 2850.

4/ *Ex Parte* Letter from Dr. Eleanor R. Adair to Reed E. Hundt, ET Docket No. 93-62 (March 14, 1996).

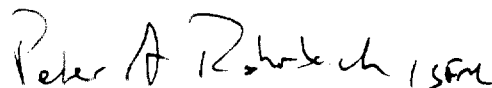
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Mr. Richard M. Smith  
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Significantly, the 1992 ANSI/IEEE standard includes implementation guidance and provides for ongoing interpretation by a large group of scientific and medical experts. This type of guidance is critical for the successful development of new technologies and new service offerings. Indeed, the Commission itself asked for this type of guidance in determining appropriate RF standards for PCS. 5/ In contrast, the 1986 NCRP guidelines contain no implementation guidance or ongoing interpretation program. As stated by Dr. Adair, the result of adopting the 1986 standard, in whole or in part, would be "utter confusion."

If the Commission adopts a standard that is unduly restrictive, it will increase the expense of, or even prevent altogether, the development of valuable satellite services. For example, adopting the more stringent 1986 NCRP standard could complicate plans by GE Americom and other satellite operators to offer services in the newly-opened Ka band that rely on smaller directional antennas. The substantial public benefit that may result from the introduction of these and other new services should not be sacrificed by the establishment of overly restrictive standards that do not reflect the latest conclusions of the scientific community.

Accordingly, because ANSI/IEEE C95.1-1992 continues to represent the most up-to-date and technically supportable guidance for evaluating RF exposure, GE Americom respectfully requests that the Commission adopt this standard as the exclusive federal standard for RF exposure from FCC regulated facilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. Rohrbach".

Peter A. Rohrbach  
Steven F. Morris

Counsel for GE American  
Communications, Inc.

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5/ *Amendment of the Commission's Rules to Establish New Personal Communications Services*, Memorandum Opinion and Order, 9 FCC Rcd 4957, 5050 (1994).

**HOGAN & HARTSON L.L.P.**  
**Mr. Richard M. Smith**  
**July 23, 1996**  
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cc:           **Chairman Reed E. Hundt**  
              **Commissioner James H. Quello**  
              **Commissioner Susan Ness**  
              **Commissioner Rachelle B. Chong**